

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
UNITED STATES OF AMERICA :
:
- v. - :
:
VIRGINIA LALLAVE, :
a/k/a "Virginia Munguia," :
a/k/a "Vee," :
:
Defendant.

JAN 07 2020

CONSENT PRELIMINARY
ORDER OF FORFEITURE/
MONEY JUDGMENT

19 Cr. 15 (AJN)

WHEREAS, on or about January 7, 2019, VIRGINIA LALLAVE a/k/a "Virginia Munguia," a/k/a "Vee," (the "Defendant"), was charged in a five-count Indictment 19 Cr. 15 (AJN) (the "Indictment") with serious bodily injury resulting from narcotics distribution, in violation of Title 21, United States Code, Sections 812 and 841, and Title 18, United States Code, Section 2 (Count One); distribution and possession with intent to distribute 40 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Sections 812 and 841, and Title 18, United States Code, Section 2 (Count Two); distribution of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812 and 841, and Title 18, United States Code, Section 2 (Count Three); conspiracy to distribute and possess with intent to distribute (i) 40 grams and more of mixtures and substances containing a detectable amount of fentanyl, and (ii) mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States code, Section 846 (Count Four); and conspiracy to distribute and possess with intent to distribute mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 846 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Five, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One through Five of the Indictment, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses charged in Counts One through Five of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Indictment;

WHEREAS, on or about July 3, 2019, the Defendant pled guilty to Counts Four and Five of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts Four and Five of the Indictment and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, all property real or personal, constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offenses charged in Counts Four and Five of the Indictment, and any and all property used and intended to be used in any manner and part to commit and facilitate the commission of the offenses charged in Counts Four and Five of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$9,305.00 in United States currency, representing the proceeds traceable to the offenses charged in Counts Four and Five of the Indictment; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts Four and Five of the Indictment cannot be located upon the exercise of due diligence;

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. This Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Justin V. Rodriguez of counsel, and the Defendant, and his counsel, Martin Cohen, Esq., that:

1. As a result of the offenses charged in Counts Four and Five of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$9,305.00 in United States currency (the "Money Judgment"), representing the proceeds traceable to the offenses charged in Counts Four and Five of the Indictment, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, VIRGINIA LALLAVE, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the "United States Marshals Service" and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: Justin Rodriguez
Justin V. Rodriguez
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2591

November 5, 2019
DATE

VIRGINIA LALLAVE

By: V. Lallave
VIRGINIA LALLAVE

12/19/19
DATE

By: M. Cohen
Martin Cohen, Esq.
Attorney for Defendant

12/19/19
DATE

SO ORDERED:

A. Nathan
HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

12/22/19
DATE

